

500 KAR 1:010. Definitions.

RELATES TO: KRS 61.315

STATUTORY AUTHORITY: KRS 61.315(4)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation provides the definitions of certain terms used in 500 KAR Chapter 1 which pertain to criteria and procedures applicable to the administration of benefits paid on death of police officers who have died in the line of duty, as required by KRS 61.315(4) to be promulgated by the Justice Cabinet.

Section 1. Definitions. The following definitions shall apply in this chapter:

- (1) "Secretary" means the Secretary of the Justice Cabinet.
- (2) "Cabinet" means the Justice Cabinet.
- (3) "Police officer" means every paid police officer, sheriff or deputy sheriff, or any auxiliary police officer appointed pursuant to KRS 95.445, or any citation or safety officer appointed pursuant to KRS Chapter 83A, elected to office or employed by any Kentucky county or city, or by the state, or by an airport board created pursuant to KRS Chapter 183, or any member of the Kentucky National Guard on state active duty pursuant to KRS 38.030.
- (4) "Claimant" means spouse, child or parent who files a claim for death benefits pursuant to KRS 61.315 with the Justice Cabinet.
- (5) "Spouse" means the lawfully wedded husband or wife of the deceased police officer living at the time of the officer's death, and includes a spouse living apart from the officer at the time of the officer's death for any reason or a spouse involved in divorce proceedings if a final divorce decree has not been entered.
- (6) "Children" means any natural, adopted or posthumous child or child born out of wedlock of the deceased police officer who, at the time of the officer's death is living or later is born alive.
- (7) "Parent" means a natural or adoptive parent of the police officer living at the time of the police officer's death.
- (8) "Death as a direct result of an act" means that the antecedent act, omission to act or event inflicted upon the police officer was the substantial factor in the result of the police officer's death.
- (9) "Death" means the immediate death of the police officer from an act in the line of duty that resulted in his death, as well as a traumatic injury, wound, condition of the body or disease resulting therefrom or medical attention therefor that directly causes the death of the officer.
- (10) "Act in the line of duty" means an act or omission to act by the police officer or event involving the police officer or external force upon the police officer while the officer is engaged in any action or duty which the officer is obligated or authorized by rule, administrative regulation, condition of employment or service, or law to perform for the public agency or office the police officer serves. Specifically, an act is not in the line of duty if the death was caused by:
 - (a) A nonwork-related disease or condition or a routine work-related disease or condition common to the officer's occupation;
 - (b) Intentional misconduct of the police officer;
 - (c) The police officer's intention to bring about his death;
 - (d) The police officer's willfulness or wanton disregard that brings about his death;
 - (e) Voluntary intoxication of the police officer which is a contributing factor of the death; or
 - (f) If the actions or omissions of the beneficiary was a substantial factor in the death of the police officer, recovery being precluded as to that beneficiary only.
- (11) "Office of the Secretary" as used herein means the person designated by the secretary of the cabinet to receive, process and make eligibility determinations on claims for benefits to be paid on death of a police officer pursuant to KRS 61.315. The address of the Office of the Secretary for filing claims is: Assistant General Counsel, Justice and Public Safety Cabinet, Office of Legal Services,

Department of Criminal Justice Training, Funderburk Building, 521 Lancaster Avenue, Richmond, Kentucky 40475-3102. (12 Ky.R. 1561; eff. 4-17-86; Am. 13 Ky.R. 48; eff. 8-12-86; 19 Ky.R. 1121; eff. 1-4-93; TAm eff. 10-25-2013; Crt eff. 2-25-2020.)